

1 **David Szeles, SBN 279244**
2 Global Law Group San Diego, P.C.
3 1455 Frazee Road, Ste. 500
4 San Diego, California 92108
5 Telephone: (858)833-2020
6 Facsimile: (619) 839-3152
7 Attorney for Petitioner

8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 Karen Aylin PASTOR GALEANA

CASE NO.: 26-cv-3249-JES-MMP

12 Petitioner,

13 v.

**Traverse in support of Petition
for a
Writ of Habeas Corpus**

14 CHRISTOPHER LAROSE, Warden at
15 Otay Mesa Detention Center,

16 Respondents.

17 In her petition, Ms. Karen Aylin Pastor Galeana explained that despite her
18 compliance with her conditional parole release conditions, ICE revoked her parole
19 arbitrarily and without following regulations. She therefore made two claims: (1)
20 ICE had failed to comply with its own regulations, violating the Administrative
21 Procedures Act, and (2) ICE violated due process by revoking parole without
22 notice and an opportunity to be heard. She therefore asked this Court to order
outright release.

23 The government's Return does not oppose the petition but also does not
24 respond at all to these claims. Instead the government purports to unilaterally
25 redefine the "legal issues presented" in the petition: Per the government, they
26 involve only "the statutory authority for . . . detention of Petitioner under 8 U.S.C.
27 §§ 1225(b)(2)(A) or 1226(a)," and in a footnote mentions an "order directing a
28 bond hearing." Doc. 6 at 2, 3. **That is false—this is not a Yajure**

Hurtado/Maldonado Bautista case, and the proper remedy is not a bond hearing. This is a parole case, and the proper remedy is release.

That follows from three considerations.

First, to state what should be obvious, the government does not get to decide what “legal issues [are] presented” in a habeas petition. Doc. 6 at 2. The petitioner does. And the petitioner challenged the revocation of her conditional parole release, not the government’s failure to provide a bond hearing.

Second, Ms. Pastor Galeana’s case does not at all implicate *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), *Maldonado-Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), or § 1226(a). *Yajure Hurtado* and *Maldonado Bautista* address the rights of immigrants who successfully evaded detection at the border, entered the country illegally, and lived for a time in the United States. *See Maldonado-Bautista*, 2025 WL 3713987, at *2 (defining the class to include people who “were not or will not be apprehended upon arrival”). The former says that this population is barred from bond hearings by § 1225(b), while the latter says that it is entitled to bond hearings under § 1226(a). *Id.* at *12. But Ms. Pastor Galeana did not successfully evade detection at the border and enter the country illegally, or live for a time in the United States. She presented herself immediately at the border. Doc. 1 at ¶ 2. And everyone agrees that people caught immediately at the border are subject to mandatory detention under § 1225(b), *unless*—as occurred here—ICE exercises its discretionary authority to grant parole.

Thus, the problem with Ms. Pastor Galeana’s detention is not that the government failed to provide her a statutorily guaranteed bond hearing. It is that ICE exercised discretion to give her parole, then unlawfully revoked it.

Third, when an immigrant’s parole is unlawfully revoked, the remedy is release, not a bond hearing. *See, e.g., Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (“The Respondents shall

1 immediately release Arias from custody on her preexisting conditions.”); *Noori v.*
 2 *LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) (“order[ing] his immediate
 3 release”); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D.
 4 Cal. Nov. 3, 2025) (ordering that ICE “immediately release Petitioner from custody
 5 subject to the conditions of her preexisting parole and Form I-94”); *Perez v.*
 6 *LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025)
 7 (ordering respondents “to immediately release Petitioner from custody, subject to
 8 the conditions of his preexisting parole and Form I-94”); *Y-Z-L-H v. Bostock*, No.
 9 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025) (ordering
 10 respondents “immediately to release Petitioner from custody”). The government’s
 11 cases granting bond hearings to persons wrongly detained under *Yajure Hurtado*
 12 are inapposite, because they involve completely different claims.

13 Thus, this Court must not allow the government to redefine the claims in
 14 the petition, rely on a set of inapplicable cases, and thereby deprive Ms. Pastor
 15 Galeana of the relief to which she is entitled. This Court must instead address the
 16 claims in the petition and—having received no response to those claims from the
 17 government, and since the government “does not oppose the petition”—the court
 18 should grant outright release. Doc 6 at 3.

19
20
21
22 Respectfully submitted,

23 Dated: June 2, 2026

/s/ David Szeles

David Szeles, Esq.

Attorney for Petitioner